

Feb 09, 2024

SEAN F. McAVOY, CLERK

## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF WASHINGTON

MISTY F.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:23-cv-00286-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE****ECF No. 9**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 9, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Chad Hatfield represents Plaintiff. Attorney David Burdett represents Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 9**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. See LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to  
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the  
4 Appeals Council will instruct the ALJ to:

- 5 • Re-evaluate the medical opinion evidence;
- 6 • Re-evaluate Plaintiff's maximum residual functional capacity;
- 7 • Take any further action needed to complete the administrative record  
8 and sequential evaluation, including obtaining vocational evidence as  
9 necessary;
- 10 • Offer Plaintiff the opportunity for a new hearing; and
- 11 • Issue a new decision.

12 See ECF No. 9 at 2.

13 3. Judgment shall be entered for **PLAINTIFF**.

14 4. Upon proper presentation, this Court consider Plaintiff's application for  
15 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

16 The District Court Executive is directed to enter this Order, **enter Judgment**  
17 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

18 DATED February 9, 2024.

19  
20 *s/Robert H. Whaley*  
ROBERT H. WHALEY  
Senior United States District Judge